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21 *Defendant and Counterclaimant Oracle International Corp.*

22 UNITED STATES DISTRICT COURT

23 DISTRICT OF NEVADA

24 RIMINI STREET, INC., a Nevada corporation;

25 Plaintiff,

26 v.

27 ORACLE INTERNATIONAL CORPORATION,
a California corporation,

28 Defendant.

29 ORACLE AMERICA, INC., a Delaware
30 corporation, *et al.*,

31 Counterclaimants,

32 v.

33 RIMINI STREET, INC., a Nevada corporation, *et*
34 *al.*,

35 Counterdefendants.

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58 Case No 2:14-cv-01699 LRH PAL

59 **ORACLE'S MOTION TO SEAL
60 PORTIONS OF ORACLE'S MOTION
61 TO COMPEL AND SUPPORTING
62 DOCUMENTS**

1 Pursuant to the Stipulated Protective Order governing confidentiality of documents
2 entered by the Court on May 18, 2015, ECF No. 58 (“Protective Order”), Local Rules 10-5(b),
3 and Rules 5.2 and 26(c) of the Federal Rules of Civil Procedure, Defendant and Counterclaimant
4 Oracle International Corporation and Counterclaimant Oracle America Inc. (together “Oracle”)
5 respectfully requests that the Court grant leave to file under seal certain portions of Oracle’s
6 Motion to Compel Production of Documents (“Motion to Compel”) and exhibits 12, 13, 14, 17,
7 18 and 19 of the Hixson Declaration. A public, redacted version of each document was filed on
8 November 3, 2016. *See* ECF Nos. 318 (Motion to Compel), 318-13 (Hixson Decl., Ex. 12), 318-
9 14 (*id.*, Ex. 13), 318-15 (*id.*, Decl., Ex. 14), 318-18 (*id.*, Decl., Ex. 17), 318-19 (*id.*, Decl., Ex.
10 18), and 318-20 (*id.*, Decl., Ex. 19). An unredacted version of each document will be
11 subsequently filed under seal with the Court and linked to the filing of this Motion. *See* ECF No.
12 221 (Order re: sealing procedures).

13 Oracle requests that the Court seal portions of Oracle’s Motion to Compel and supporting
14 documents because these documents contain information that Rimini has designated as “Highly
15 Confidential Information – Attorneys’ Eyes Only” under the terms of the Protective Order.

16 The Protective Order states, “Counsel for any Designating Party may designate any
17 Discovery Material as ‘Confidential Information’ or ‘Highly Confidential Information –
18 Attorneys’ Eyes Only’ under the terms of this Protective Order **only if such counsel in good**
19 faith believes that such Discovery Material contains such information and is subject to
20 protection under Federal Rule of Civil Procedure 26(c). The designation by any Designating
21 Party of any Discovery Material as ‘Confidential Information’ or ‘Highly Confidential
22 Information – Attorneys’ Eyes Only’ shall constitute a representation that an attorney for the
23 Designating Party reasonably believes there is a valid basis for such designation.” Protective
24 Order ¶ 2 (emphasis supplied).

25 Rimini has designated Exhibits 12, 13, 14, 17, 18 and 19 to the Hixson Declaration as
26 “Highly Confidential - Attorneys’ Eyes Only,” and portions of Oracle’s Motion to Compel quote
27 from or paraphrase information contained in these exhibits. Oracle submits these documents and
28 information under seal pursuant to the Protective Order based on Rimini’s representation that it

1 reasonably believes there is a valid basis under the Protective Order for its confidentiality
2 designations. Because the documents were designated by Rimini, Oracle is not in a position to
3 provide further justification for why filing them publicly would cause Rimini harm sufficient to
4 show good cause. Oracle does not independently contend that these documents are subject to
5 such protection, but makes this request pursuant to ¶ 14 of the Protective Order.

6 Oracle has submitted all other portions of Oracle's Motion to Compel and supporting
7 papers to the Court's public files, which allow public access to all materials except for the items
8 discussed above. Accordingly, the request to seal is narrowly tailored. For the foregoing reasons,
9 Oracle respectfully requests that the Court grant leave to file under seal the documents discussed
10 above.

11 DATED: November 3, 2016 MORGAN, LEWIS & BOCKIUS LLP
12

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14 By: _____ /s/ Thomas S. Hixson
15 Thomas S. Hixson
16 Attorneys for Counterclaimant Oracle America,
17 Inc. and Defendant and Counterclaimant Oracle
18 International Corporation
19

20 IT IS SO ORDERED.
21

22 DATED: November 22,
23 2016

24 C.W. HOFFMAN, JR.
25 UNITED STATES MAGISTRATE JUDGE

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28

CERTIFICATE OF SERVICE

2 I certify that on November 3, 2016, I electronically transmitted the foregoing

3 **ORACLE'S MOTION TO SEAL PORTIONS OF ORACLE'S MOTION TO COMPEL**
4 **AND SUPPORTING DOCUMENTS** to the Clerk's Office using the CM/ECF System for
5 filing and transmittal of a Notice of Electronic Filing to all counsel in this matter; all counsel are
6 CM/ECF registrants.

7
8 Dated: November 3, 2016

Morgan, Lewis & Bockius LLP

9
10 By: _____/s/ Thomas S. Hixson
11 Thomas S. Hixson

12 Attorneys for Counterclaimant
13 Oracle America, Inc. and
14 Defendant and Counterclaimant
15 Oracle International Corporation

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